### PATENT COOPERATION TREATY

# **PCT**

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PWO-S002-001	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)					
International application No.	International filing date (day/mo	nth/year) Priority date (day/month/year)					
PCT/IB04/00911	26 March 2004 (26.03.2004)	26 March 2003 (26.03.2003)					
International Patent Classification (IPC) or national classification and IPC							
IPC(7): A61B 17/80 and US CI.: 606/69							
Applicant							
SWISS ORTHOPEDIC SOLUTIONS SA	<u> </u>						
<ol> <li>This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</li> </ol>							
2. This REPORT consists of	a total of 3 sheets, including th	nis cover sheet.					
This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  These annexes consist of a total of sheets.							
		Jenman.					
3. This report contains indic	ations relating to the following	items.					
I Basis of the rep	ort						
II Priority							
III Non-establishm	ent of report with regard to no	velty, inventive step and industrial applicability					
IV Lack of unity o							
		egard to novelty, inventive step or industrial					
	itations and explanations suppo						
VI Certain docume	ents cited						
VII Certain defects in the international application							
VIII Certain observations on the international application							
Date of submission of the demand	Date	of completion of this report					
	1						
21 October 2004 (21.10.2004)		farch 2005 (21.03.2005)					
Name and mailing address of the IPEA/ Mail Stop PCT, Ann: IPEA/US	US Auth	id O. Reip					
Commissioner for Patents P.O. Box 1450	Dav	id O. Reip					
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Form PCT/IPEA/409 (cover sheet)(July 1998)

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.	
PCT/IB04/00911	

I.	Basis of the report					
1.	Vith regard to the elements of the international application:*					
	the international application as originally filed.					
	the description:					
	pages 1-8 as originally filed					
	pages NONE , filed with the demand pages NONE , filed with the letter of					
	the claims:					
	pages 9-14 , as originally filed pages NONE , as amended (together with any statement) under Article 19					
	pages NONE , filed with the demand					
	pages NONE , filed with the letter of					
	the drawings:					
	pages 1-13 , as originally filed					
	pages NONE , filed with the demand pages NONE , filed with the letter of					
	the sequence listing part of the description:					
	pages NONE , as originally filed					
	pages NONE filed with the demand					
	pages NONE , filed with the letter of					
2.	With regard to the language, all the elements marked above were available or furnished to this Authority in the anguage in which the international application was filed, unless otherwise indicated under this item.					
	In the second state of the international application was filed, unless otherwise indicated under this item.  These elements were available or furnished to this Authority in the following language English which is:					
	the language of a translation furnished for the purposes of international search (under Rule23.1(b)).					
-	the language of publication of the international application (under Rule 48.3(b)).					
	the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).					
3.	With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:					
	contained in the international application in printed form.					
	filed together with the international application in computer readable form.					
	furnished subsequently to this Authority in written form.					
	furnished subsequently to this Authority in computer readable form.					
	The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the					
	international application as filed has been furnished.					
	The statement that the information recorded in computer readable form is identical to the written sequence listin					
	has been furnished.					
4.	The amendments have resulted in the cancellation of:					
	the description, pages NONE					
	the claims, Nos. NONE					
	the drawings, sheets/fig NONE					
5.	This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**					
th	* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).  ** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.					

#### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/IB04/00911

V.	Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement					
1.	STATEMENT					
	Novelty (N)	Claims	1-33 and 36-42	YES		
	• • •	Claims	34-35	No.		
	Inventive Step (IS)	Claims	1-33 and 36-42	YES		
		Claims	34-35	NO		
	Industrial Applicability (IA)	Claims	1-42	YES		
		Claims	NONE	NO		

#### 2. CITATIONS AND EXPLANATIONS

Claims 34-35 lack novelty under PCT Article 33(2) as being anticipated by Frigg, WO 01/54601 A1. Figures 2-4 of Frigg show a bone plate having all the limitations as recited in claims 34-35, including: a bone-contacting bottom side 2; a top side 1; a plurality of sets of overlapping holes 14/24 having threads 5 adapted to receive a bone screw 11 with a threaded head 12 and a bone engaging threaded shank.

Claims 1-33 and 36-42 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a bone plate having all the limitations as recited in claims 1-33 and 36-42. For example, with respect to claim 1, the prior art does not teach a threaded aperture having multifaceted surfaces.

Claims 1-42 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.